

DECLARES HE IS SOLE OWNER OF DANCE HALL

Maurice Tobin Answers Suit of Brother for Dissolution of Partnership.

Denying that his brother, John Tobin, has any interest in the dance pavilion conducted by him at the Arcade building, W. Maurice Tobin filed answer today to the suit for a dissolution of partnership and for a receiver, brought by John Tobin Wednesday. The defendant says his brother was employed by him as manager of the business and had no other interest beyond his salary.

Justice Stafford continued until next week a hearing on the rule issued on the petition of John Tobin. The witnesses will be heard in court when the court will determine the question of ownership.

W. Maurice Tobin admits that he took the lease of the property in his own name and that recently he had withdrawn funds from a joint account. He did this, he explains, because the business belonged to him and his brother never contributed anything, he declares, to the expense of \$2000 incurred in remodeling the auditorium for a dance pavilion.

As to the joint account, he states, it was opened for convenience so that his brother, as manager, might not be embarrassed in settling bills during the absence of the proprietor from the city. Mr. Tobin says he is engaged in similar enterprises and frequently gave his brother employment. When he started the dance pavilion he also requested his brother to take over its management.

Charged Against Salary.

Maurice Tobin declares his brother never drew on the joint account until December 15, when a check for \$150 was presented bearing the signature of John Tobin. This amount has been charged against his brother's salary, says the defendant.

The court is told that John Tobin acted as manager until December 2, when, it is alleged, "without justification or excuse he abandoned his employment and has remained away from the dance auditorium since that date."

The defendant declares he has no intention of transferring the lease or selling the business, which, he claims, belongs exclusively to him. The lease calls for an annual rental of \$8,000. He has spent \$6,000 in repairs, asserts the defendant. He denies there has been any net profit for a week from the business, and points out that the success of the business venture is problematic because of the four months of the year it is doubtful if a dance pavilion can be conducted.

Attorney Raymond B. Dickey represents the defendant. The complaint was represented by Attorneys George E. Sullivan and Walter C. English.

MESA BATTLEFIELD VISITED.

The Awful Carnage Failed to Materialize.

From the San Francisco Post.

Advices from the battlefield of Mesa, a few miles south of Juarez, where the correspondents seem to have arrived after everything was over, throw some light upon war as practiced by the sanguinary rebels upon the discouraged cohorts of Huerta.

It has been reported that Gen. Villa won a glorious victory after a hand-to-hand conflict, in which the enemy was routed with terrible losses and bloodshed. The correspondents were with him when he was in the thick of the fighting. They must go directly to see the bloody plain, where dead federals lay in heaps with their helmets and rifles. They found the scene of battle a desolate one. The battlefield was deserted, save for a dozen dead horses and a quantity of empty shells. Back and forth rode the correspondents looking for those bodies, or for fresh-turned earth that should signify where they had fallen. But they found no bodies, no graves, not even any blood spots, according to one of the more detailed descriptions of the battle. There was a great battle, but it didn't look it.

As far as could be learned, the only dead federals were those who were executed by Gen. Villa after the battle ended, and it is plain that they would be alive if they could have run faster. A hundred or more combatants on both sides were winged, it is true, but the ultimate conclusion must be that the Mexicans are poor shot, for the federal armies stayed too far apart to hurt each other.

The results of the battle signify that Huerta is not regarded as worth fighting for by his own troops. Probably his soldiers are under the impression that there is no split left in them. From all appearances Villa came upon the horizon to "clean" Huerta and his army. Leaving their guns, hats, uniforms and other belongings as the spoils of war, Villa, to appease the lust for blood of his own men, executes the prisoners he could catch, and the act ends.

The Bible in School.

From the Chicago Post.

Indiana has decided to follow an example set by North Dakota and provide for the instruction of school children in the literature of the Bible. In many states, and not so long ago in Illinois, the question of Bible teaching in public schools has been discussed, and generally with the development of grave differences of opinion and a good deal of argumentative heat. Between the two opposed schools of thought, the one favoring altogether to Bible teaching in public schools, the people who were not opposed on principle, but who thought that there was no practical method of safeguarding the instruction from abuse, and the people who would have welcomed any method there has been plenty of room for controversy.

Indiana will now enable us to settle this question by experience. And the methods of teaching seem destined especially to calm the fears of people who fear that Bible teaching in the schools means sectarian partiality. The syllabus is prepared by the state board of education, the people who were not opposed on principle, but who thought that there was no practical method of safeguarding the instruction from abuse, and the people who would have welcomed any method there has been plenty of room for controversy.

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THE ECONOMIC HUSBAND



THE CONSTITUTION PASSING A CRISIS

Reasons Against Hasty Alterations of the Fundamental Law of the Land.

David Jayne Hill, in the North American Review.

Thoughtful men in all countries of the world are united in the conviction that constitutional government embodies the highest ideal for the regulation of human affairs ever conceived by man. With regard to the attainability and permanence of this ideal, opinions differ widely. Most men agree in the belief that certain peoples are not ripe for it. Others consider it necessary to combine with it some vestiges of absolutism, as a means of rescuing society from the anarchy that would follow upon its possible failure. Still others openly oppose it because, for various reasons, it is their personal interest to do so.

The dangers to constitutional government, however, are not arising from open opposition of its enemies, for in the need of free debate it is abundantly able to defend itself. Its real foes and they are not a few—are those who do not avowedly attack or resist it, but who, while professing to be its friends and its advocates, secretly repudiate or intentionally pervert its fundamental principles.

In contrast with the political absolutism which it was intended to destroy and which it has endeavored to supersede, constitutional government is based upon the principle of equal guarantees for the rights of all citizens, without distinction of race, color, or creed. It is a system of co-ordinate and distributed powers, exercised by public officers freely chosen by the people, and revocable at fixed periods of office. Recognizing life, personal liberty and property as elements of inalienable right, constitutional government aims to guard these from every form of violation.

The mere statement of the meaning of constitutional government plainly indicates what are its natural enemies. These include all those who, in any form whatsoever, desire to make the state their private servant, and through control of the public powers use it to serve their own personal or class interests at the expense of others.

The division of men into friends and enemies of constitutional government must be based upon the attitude they assume toward its fundamental principle. This principle, being the existence of equal and adequate guarantees, by which the life, the personal liberty and the property of every citizen are rendered inviolate, every person and every organization that aims by means of exceptional legislation to deprive others of these rights is an enemy of constitutional government; although not a true enemy, it is essentially a guarantee of equal rights.

The means by which the founders of constitutional government intended to obtain this guarantee were twofold.

First of all, the "inalienable rights" of

all citizens were to be secured by a fundamental law, the violation of which would be the violation of the rights of every citizen. What the advocates of constitutional government had suffered from was the exercise of absolute and arbitrary authority. This they intended to end, and in order to do so, they placed certain encroachments upon personal rights beyond the power of legislatures and executives. In brief, legislative bodies and executive officers were themselves made subject to law, and no man was to be judged except in accordance with the law. Life, liberty and property were not to be taken away without a day in court, in the presence of responsible authorities acting under the obligations of equal laws.

Responsibility of Public Officer.

The second security afforded was a frame of government in which public powers were so distributed that no public officer could commit an act of oppression without rendering himself responsible for his action. The people, through their representatives, could make new laws, but they could make no laws which would encroach upon the rights already secured by the fundamental law. The executive, when necessary, could act, but only according to law. The judiciary could judge if the law was respected, but only in accordance with the fundamental law.

Finally, the people, standing in the place of the law, were to be the ultimate power, and what no other sovereign had ever before voluntarily done in the history of the world, they freely and voluntarily renounced the power to impose their personal arbitrary will upon the organs of government. In other words, the system they had devised and created, the legislative, executive and judicial functions necessary to the application of justice, subject to their approval or reprobation by means already provided for in that system.

Thus absolutism in every form was intended to be extruded from government; and the system of government was designed to be a system of just laws and principles in place of mere arbitrary will actuated by caprice, prejudice, equality or self-interest.

It is easy to see how this system could be covertly attacked by those who, conscious of its weakness, were inspired by motives for subverting it.

The first method of attack is through the alteration of the control of the state itself. Believing in the approximate perfection of our system, the people of the United States have in general desired to maintain the stability of the Constitution, and so far, has been subjected to very little change. Being essentially a restriction of arbitrary power, it presents a barrier to the aims of those who seek to derive private advantage through the control of the state.

As long as it remains intact there exists a legal obstacle to degradation. No mere demagogue ever has loved, or ever will love, the Constitution; for it is a restraint upon personal ambition and personal interests. He would much prefer to substitute for it the unrestrained "will of the people," by which he understands to mean his own proposals. With seductive simplicity he blandly asks, "What is the Constitution between friends?"

Opposing Popular Impulse.

Undoubtedly, any inflexible obstacle to a transitory popular impulse can at times be made to appear to the people as precisely this clear and definite obstruction to impulsive and ill-considered action which constitutional guarantees are intended to impose.

It is always a dangerous moment for the liberties of a people when it is proposed to substitute for the deliberately established reasonableness of a constitutional provision the impulsive and uncontrolled impulses of the moment; or to open the way without serious reflection and debate for mere political experiments.

Two constitutional changes have been recently urged and passively accepted. The election of United States senators by legislative bodies has sometimes been attended with corruption, and this has led to a demand for popular nominations and elections. In order to lower import duties, an income tax—hitherto left to the several states, which can levy no import taxes—has been urged as a means of supporting the federal government. To accomplish this, a constitutional change was necessary, since an unequal tax was prohibited, and an equal tax was not deemed practicable. Life, liberty and property were not to be taken away without a day in court, in the presence of responsible authorities acting under the obligations of equal laws.

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LONG QUERIES FOR ALIENISTS.

Schmidt's Counsel Submit Cases to Combat Insanity Plea.

NEW YORK, December 26.—Hans Schmidt's attorneys brought into court today hypothetical questions 30,000 words long. They expected to spend more than two hours reading these questions, this afternoon or tomorrow, to the alienists called by the state to prove that Schmidt was sane when he killed Anna Amuller.

Dr. Charles F. MacDonald, one of the state's medical experts, contended that when Schmidt told him "God commanded me to slay Anna Amuller," he said to the defendant, "Now, Schmidt, you know you are lying. You know that that is just a scheme of yours to pretend that you are insane and escape the consequences of your crime."

At this Schmidt became greatly excited, said Dr. MacDonald, and insisted that he was not insane and that he wanted to die.

Train Runs Wild, One Killed.

CUMBERLAND, December 26.—Breaking away from the engine after climbing to the top of what is known as seven-entente-mile grade thirty miles west of here on the Baltimore and Ohio railroad, a train of sixty-six loaded passenger cars back down the hill. Before it reached the first derailling switch, where thirty-one cars were wrecked, it was traveling at high speed, and H. P. Kirkpatrick, a brakeman, of Keyser, W. Va., had been thrown off and killed.

Canal Traffic Greatest in History.

SAULT STE. MARIE, Mich., December 26.—Reports issued by L. C. Sabin, general superintendent of the United States canal, show freight traffic through the canal, which opened in 1912, was the greatest in the history of the waterways.

A total of 79,138,344 short tons of freight was handled through the canal during the season, 7,245,688 tons more than in 1912. Passengers carried numbered 77,194, compared with 66,577 in 1912.

Denies Right to Establish Rate.

The interstate commerce commission today denied the request of the Pennsylvania railroad for permission to establish a railroad rate on cement of \$3.15 a ton from Union Bridge, Md., to Washington, D. C., via York, Pa., without observing the long and short haul provision of the interstate commerce act.

By MacGill

SEA SAFETY DELEGATE CABLES RESIGNATION

Andrew Furuseth Quits London Conference Because of Difference.

LONDON, December 26.—Andrew Furuseth, president of the International Seamen's Union, has cabled to President Wilson his resignation as a delegate to the international conference on safety at sea. He is said to have taken this step owing to his dissatisfaction with the report of the subcommittee with which he was connected. He argues that the subcommittee's report lowers the standard of safety, and he consequently refused to sign it.

Mr. Furuseth will sail for the United States tomorrow. He was out of the city today and most of his colleagues also were absent. The only American delegate asked about the matter professed ignorance in regard to Mr. Furuseth's resignation.

Mr. Furuseth disagreed with the conclusions of the committee on manning, his objections dealing particularly with its findings on the manning of lifeboats. He desired that steamers should carry sufficient men of three years' sea experience to take charge of the boats in case of accident. He went further in this direction than even the representatives of the British seamen's unions.

Other American Views.

Other American delegates of sea experience considered that the report which Mr. Furuseth refused to sign provided sufficiently for the safety of the passengers and crew. Their disinclination to side with Mr. Furuseth apparently led to his resignation.

The members of the American delegation had a meeting December 23, which lasted from early morning until midnight and at which all the matters contained in the reports of the six committees were discussed. There was prolonged discussion of the point raised by Mr. Furuseth, but the arguments of the other delegates did not cause him to change his views.

Mr. Furuseth left London and probably will sail on the Carmania for New York.

The resignation of Andrew Furuseth will be forwarded today to President, Secretary Tumulty announced today. President Wilson named Senator James Hamilton Lewis a few days ago as a delegate to the conference in place of Senator Root, who had declined the appointment.

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Miss Page Escapes in Crash.

LONDON, December 26.—Miss Katharine A. Page, daughter of Ambassador Walter H. Page, escaped without injury when an automobile in which she was driving yesterday smashed into a wall and was wrecked at Barnes, a southwestern suburb of London. Her companion, Harold Fowler, the ambassador's secretary, was slightly bruised on one of his legs.

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Lot 2—Boys' and Girls' \$5 and \$6 Double-texture Raincoats; made of fine Canton and bombazine cloth; all guaranteed; all sizes, 4 years to 16 years. All to go at

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Lot 3—\$15 Men's and Women's Cravenettes, Double-texture Cashmere, Silk Pongee and Rubberized English Tweed Two-in-one Rain or Shine Coats; all colors; all sizes; newest models and guaranteed. To go at

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Lot 4—\$20 and \$22 Men's and Women's Cravenette Overcoats; imported double and single texture tweeds, imported mohairs and silk rubberized Rain or Shine Coats; all colors; all sizes and guaranteed. To go at

\$9.75

Lot 5—\$25 and \$30 Men's and Women's English Gabardines, Cravenette, Balmain Rain or Shine Coats; finest materials, in colors and styles to suit every taste; every coat guaranteed. To go at

\$11.95

Lot 6—\$35 and \$40 Men's and Women's Finest Guaranteed Raincoats; exclusive models; every coat in this lot is handmade throughout and suitable for a dress or rain coat; in every wanted color. To go at

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